IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION No.4533 of 1998

DATED: 20.04.2007

Between:

B.Vijayalaxmi

..... Petitioner

And

The Chairman and Managing Director,
Electronics Corporation of India Limited,
Hyderabad.

.....
Respondent

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No.4533 of 1998

ORAL ORDER:

In this writ petition, the petitioner seeks to issue a writ of Mandamus declaring the action of the respondent-Corporation in removing her husband from service on the allegation of his unauthorised absence from the duty and

in not considering her case for compassionate appointment, as illegal and arbitrary.

The petitioner is the wife of one Bajrang Singh, who was employed as Tradesman 'B' in the respondent-Corporation. According to her, her husband suddenly disappeared on 27.07.1999, while he was working in the respondent-Corporation and thereafter, she lodged a complaint with the Police on 28.07.1994, but they were unable to trace out his whereabouts. The petitioner states that she made representations, dated 07.05.1995 and 07.06.1996, to the respondent-Corporation informing that her husband was missing and requested them to provide her appointment on compassionate grounds, but no orders thereon were passed. The petitioner states that as the Police did not take any action on the report lodged by her about the missing of her husband, she sent a telegram to this Court, which was taken up as writ petition in W.P. No. 7669 of 1997, and a Division Bench of this Court, by judgment dated 31.07.1997 disposed of the said writ petition, granting liberty to the petitioner to file petition to the respondent for appointment on compassionate grounds stating all the facts, and directed the respondent to consider the same according to rules. The petitioner states that police also filed a final report stating that here husband is not traceable, and that though pursuant to the

directions of the Division Bench in W.P. No.7669 of 1997, dated 31.07.1997, she made detailed representation dated 07.10.1997, followed by another representation dated 16.12.1997, but no orders thereon have been passed, but even prior to her making the representations, the respondent vide proceedings dated 22/28/04/1997 informed that her husband was removed from service on the ground of unauthorized absence, and there is no rule for providing compassionate appointment to the dependant of a an employee removed from service. Hence, she filed the present writ petition seeking to declare the action of the respondent in removing the husband of the petitioner from service on the ground of unauthorized absence, though he was found missing, as illegal and arbitrary, and consequently direct the respondent to provide appointment to her on compassionate grounds.

The respondent filed counter-affidavit. The counter does not make any mention about the representations made by the petitioner. However, it is stated that it is not known whether the husband of the petitioner is alive or not. Since the husband was absenting from duty, they after conducting departmental enquiry, removed him from service. The said order became final, as it was not

challenged in appeal. It is stated that compassionate appointment is provided only to dependants of deceased employee, and since it is not known whether the petitioner's husband is alive or not, her case does not come within the purview of the Rules and the Scheme governing the compassionate appointments. Therefore, the request of the petitioner for compassionate appointment, was rejected.

Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the respondent-Corporation.

Though the petitioner contends that her husband is missing and that she had also filed report before the police, who after investigation filed final report stating that her husband is not traceable, the fact remains, it is not known whether the petitioner's husband is alive or not. As the husband of the petitioner was not attending to duties, the respondent initiated disciplinary proceedings with regard to his unauthorized absence, and removed him from service. The said order, admittedly, has not been assailed. There is no material placed by the petitioner to show that her husband died. Though the petitioner contends that she may be given compassionate grounds, by presuming that it is the case should be directed to be given compassionate appointment, it is the specific case

of the respondent that compassionate appointment is provided only to dependants of deceased employees. Since it is not known whether the petitioner's husband has died or not, no direction can be given to the respondent to provide appointment to her on compassionate grounds after lapse of more than ten years, and more so when the husband of the petitioner was removed from service for his unauthorized absence after an enquiry, and when the petitioner is said to have already received all the terminal benefits of her husband.

The writ petition is devoid of merit, and the same is accordingly dismissed. There shall be no order as to costs.

N.V.RAMANA, J
20.04.2007
dr